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SIPDIS

SENSITIVE

C O R R E C T E D C O P Y (ADDING SENSITIVE CAPTION)

E.O. 12958: N/A

TAGS: [KAWC](#) [OTRA](#) [ABUD](#) [UN](#) [EU](#)

SUBJECT: INSTRUCTION ON DISMISSAL OF ICTY REGISTRAR

11. (U) This is an action request. Please see paragraph 3.
12. (SBU) The newly appointed President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), judge Patrick Robinson, recently informed ICTY registrar Hans Holthuis that he would not recommend that the Secretary General reappoint Holthuis for a third four-year term. Holthuis was informed of this decision on November 17, Robinson's first day as president and less than two months before the end of Holthuis's term. This decision comes at the same time that the judges are lobbying for increased pension benefits. We believe that this decision is in part because the President does not feel that Holthuis has done enough to lobby for increased pensions.
13. (SBU) USUN is requested to approach the UN Secretariat at the highest appropriate level and deliver the following points:
- The U.S. is concerned that ICTY Registrar Holthuis was notified that his contract would not be renewed without good reason and without adequate notice.
 - In addition, we are concerned about the underlying motives behind President Robinson's decision not to recommend renewal of Holthuis's contract. We understand that among the reasons for non-renewal were allegations that Holthuis did not push hard enough for increasing their judicial pensions and that he has also not shown them enough respect.
 - It is Judge Robinson's prerogative under the ICTY Statute not to recommend renewal, but the reasons given do not suggest a consistent pattern of underperformance. We are concerned that the judges, apparent pressure on this office will impede the functioning of the registry. We believe that a strong, independent Registrar is critical to the viability of the ICTY.
 - However, we realize it may be impossible at this stage to renew Holthuis's contract if, as it appears, the judges refuse to work with him, so we would simply like to stress the need for a transparent, legitimate process for selecting his successor.
 - We recognize that positions at the ICTY are not reserved for any one country, but we would like to highlight the value in having a Dutch registrar because of the many issues the registrar must coordinate with host-country authorities in The Hague. These issues will only become increasingly important as we near the completion of the Tribunal's activities.
- IF ASKED
- We believe Herman von Hebel, the current registrar at the Special Court for Sierra Leone, would be a strong candidate for the job of ICTY registrar.

RICE